

Notice of Allowability	Application No.	Applicant(s)	
	10/660,371	FRANK ET AL.	
	Examiner	Art Unit	
	Thai-Ba Trieu	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/10/2005.
2. ☒ The allowed claim(s) is/are 1-7, 12-14, 16-18, 20-23, 25-28, 30-32, 34 and 36-53.
3. ☒ The drawings filed on 09/10/2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>hereto</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

This Office Action is in response to the Amendment filed on March 10, 2005. Claims 1-5, 7, 12-13, 16-17, 20, 22, 25, 27-28, 30, 32, 34, and 36-39 were amended; Claims 8-11, 15, 19, 24, 29, 33, and 35 were canceled; and Claims 41-53 were added.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John P. O'Banion (Reg. No.33,201) on Thursday march 24, 2005.

The application has been amended as follows:

- In claim 41, line 3, "***can improve***" before "***volumetric***" has been replaced by – **improve** – (for avoiding of rejection 112, second paragraph).
- In claim 42, line 3, "***can improve***" before "***volumetric***" has been replaced by – **improve** – (for avoiding of rejection 112, second paragraph).
- In claim 43, line 2, "***can improve***" before "***volumetric***" has been replaced by – **improves** – (for avoiding of rejection 112, second paragraph).
- In claim 44, line 2, "***can improve***" before "***volumetric***" has been replaced by – **improves** – (for avoiding of rejection 112, second paragraph).

- In claim 45, line 3, ***“can improve”*** before ***“volumetric”*** has been replaced by – **improve** – (for avoiding of rejection 112, second paragraph).
- In claim 46, line 3, ***“can improve”*** before ***“volumetric”*** has been replaced by – **improve** – (for avoiding of rejection 112, second paragraph).
- In claim 47, line 2, ***“can improve”*** before ***“volumetric”*** has been replaced by – **improves** – (for avoiding of rejection 112, second paragraph).
- In claim 48, line 2, ***“can improve”*** before ***“volumetric”*** has been replaced by – **improves** – (for avoiding of rejection 112, second paragraph).
- In claim 49, line 2, ***“can improve”*** before ***“volumetric”*** has been replaced by – **improves** – (for avoiding of rejection 112, second paragraph).
- In claim 50, line 2, ***“can improve”*** before ***“volumetric”*** has been replaced by – **improves** – (for avoiding of rejection 112, second paragraph).
- In claim 51, line 2, ***“can improve”*** before ***“volumetric”*** has been replaced by – **improves** – (for avoiding of rejection 112, second paragraph).
- In claim 52, lines 2-3, ***“can improve”*** before ***“volumetric”*** has been replaced by – **improves** – (for avoiding of rejection 112, second paragraph).
- In claim 53, line 2, ***“can improve”*** before ***“volumetric”*** has been replaced by – **improves** – (for avoiding of rejection 112, second paragraph).

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: With respect to claims 1, 2, 3, 4, 5, 13, 16, 20, 25, 30, 34, 37, and 39, the cited prior art alone or in

combination neither teaches nor renders obvious the claimed combination of an energy control apparatus for a vehicle having an internal combustion engine and a hybrid electric vehicle having a turbocharged internal combustion engine including:

“said turbocharger having a controlled constant or variable outlet pressure for altitude compensation, for controlling power output, or for both altitude compensation and controlling power output.”

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (571) 272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 10/660,371

Page 5

Art Unit: 3748

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTB
March 24, 2005



Thai-Ba Trieu
Primary Examiner
Art Unit 3748